



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

#14

MAILED
SEP 24 1996
GROUP 2600

In re Application of
Gilbert P. Hyatt
Application No. 08/464,034
Filed: June 5, 1996
For: IMPROVED IMAGE
PROCESSING ARCHITECTURE

PETITION DECISION

This is in response to the Request for Reconsideration of Decision Refusing to Withdraw an Office Action that Preempted a Preliminary Amendment filed on August 19, 1996.

Petitioner requests; 1) that Office actions in each of 30 applications identified in Appendix I be withdrawn to allow focused amendments; 2) that the final rejection issued subsequent to the original petition be withdrawn; and 3) that the Office refund all of the extension of time fees which have been paid to maintain pendency.

All three requests are DENIED.

First, petitioner has again argued that he should have been given an opportunity to file "focused" amendments in the subject applications before the PTO acted on those applications. This application was filed on June 5, 1995 with claims 1-20. An action was mailed on September 26, 1995 addressing all of those claims. On November 22, 1995, a new action was mailed addressing claims 21-97 in response to a preliminary amendment filed on September 13, 1995 that crossed in the mail with the first Office action. It is this second action that petitioner wants the Office to withdraw based on the request to file further focused amendments. It is completely unreasonable for petitioner to expect the PTO to delay prosecution until he decides his claims are in order for examination; and it was completely reasonable for the PTO to assume that the claims submitted on September 13, 1995 were ready for examination. Why would petitioner file an amendment with 77 claims he did not want examined? Nothing in this renewed petition gives me any cause to change my previous decision. The Examiner has not erred in issuing a prompt action on the merits of the claims presented and, therefore, the action will not be withdrawn. Applicant has received a prompt thorough examination of the claims he presented for examination. This is the objective of the Office policy of customer service. In the future applicant is advised not to submit claims he does not feel are "focused" or that are not ready for examination.